

**GOVERNMENT OF ANDHRA PRADESH**

**ABSTRACT**

Revenue Department – Framing of the Policy in respect of existing unauthorized constructions of religious nature in public places / parks and public streets and other places etc., on the Directions of the Hon'ble Supreme Court of India in Petition (s) for Special Leave to Appeal (Civil) No.8519/ 2006 filed by union of India Vs. State of Gujarat & Others Dated 7.12.2009- Policy Guidelines - Orders – Issued

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REVENUE (ASSIGNMENT –I) DEPARTMENT

G.O.MS.NO. 262

Dated:31-03-2010

READ: the following:-

1. From the Asst.Registrar, Judicial, Supreme Court of India, New Delhi Certified copy of the orders in Petition (s) for Special Leave to Appeal (civil) No.8519/ 2006 filed by union of India Vs. State of Gujarat & Others Dated 7.12.2009 received on 17-12-2009.
2. Govt. Memo/ UO NoteNo.55539/ Assn.I(1)/2009, Dt:23-12-2009, 4.1.2010, 11.1.2010.
3. Govt. D.O.Letter No.55539/ Assn.I(1)/2009, Dated:09-03-2010, addressed to the CCLA, HYDERABAD / and all the Principal Secretaries of the Concerned Departments.

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**ORDER:-**

The Hon'ble Supreme Court of India in Special Leave Petition in Civil Appeal No.8519/2006 Dt.7-12-2009 passed the following interim orders:-

- 1)
  - 1) That no unauthorized religious constructions shall be carried out or permitted in the name of Temple, Church, Mosque or Gurudwara etc., on *public Streets, Public Parks or other Public places etc.*
  - 2) That in respect of the unauthorized constructions of religious nature which have already taken place, the State Governments and the Union Territories shall review the same on case to case basis and take appropriate steps as expeditiously as possible.
2. It was also directed that all the Chief Secretaries, in consultation with the respective Governments, to frame the policy of removal in respect of existing unauthorized construction of religious nature, which had already taken place.
3. On perusing the affidavits filed by State Governments and Union Territories, the Supreme Court have given further directions on 16-2-2010 that;
  - i) State Governments to formulate a comprehensive policy regarding removal/relocation/regularization of unauthorized religious constructions within 6 weeks.
  - ii) That the Policy should clearly indicate within what period the States and Union Territories are going to fully comply with the Policy to remove/relocate/regularize the unauthorized constructions
  - iii) That all the States and Union Territories to identify the unauthorized constructions of religious nature on public streets, public parks and public places within 6 weeks from the date of orders
  - iv) In the terms of above orders, the State Government is required to take appropriate steps as directed by the Supreme Court of India and to file a compliance report within 6 weeks.
4. In pursuance with the above directions of Hon'ble Supreme Court of India, the Govt. of Andhra Pradesh has held a series of meetings/discussions with the various officials of the State Government and a preliminary survey has been conducted and it is ascertained that 6,707 number of religious structures are existing on public streets/parks/places etc. in the State. In the preliminary survey it is also ascertained that out of 6,707 structures 2,224 religious

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structures are existing in the objectionable public places. It is further submitted that the District Collectors and District Magistrates have reported that the officials of Revenue, Municipal Administration, Panchayat Raj, Roads and Buildings, Minorities Welfare and Irrigation Departments have stated that they shall strictly abide by the directions of the Hon'ble Supreme Court of India in not allowing any unauthorized religious structures in public places in future. The Collectors and District Magistrates have further submitted that some structures are found to be objectionable in nature and for their removal / relocation / regularization, a further detailed survey has to be done and local people have to be consulted, because any hasty step may lead to undesirable law and order problems and may disturb public tranquility. The Collectors and District Magistrates have also suggested that since the issue is highly sensitive in nature, the religious structures already existing in the public places where there is no objection from the people or there is no public inconvenience like traffic congestions etc., may be allowed to continue and may be considered for regularization after detailed survey on case to case basis. The Collectors and District Magistrates have also reported that the unauthorized religious structures existing on roads and highways which are causing obstruction to the traffic and inconvenience to the public, such structures may be removed or shifted in consultation with the local public after detailed review on case to case basis.

5. Unauthorized religious structures may be classified into 3 categories i.e., **i) Temporary Structures, ii) Semi-Pucca and iii) Pucca structures.** In the first instance it is proposed to conduct detailed survey of all the unauthorized religious structures existing on public streets, parks, and public places etc to find out the extent of the area of encroachment made and also the nature of structures i.e., temporary, semi-pucca / pucca structures, age of the structure, details of the Management ie., whether being managed by the Endowment Dept., Wakf Board or any Society of the Residents of the area or Private individuals. After the survey, the same will be reviewed in the District level Committee to be constituted consisting of officials from various Departments to keep constant vigil for ensuring no further extension of the structure.

6. After completion of detailed survey, the status of each religious structure constructed on Public Streets, Public Parks or other Public places etc. will be reviewed and in the first phase, religious structures which are mostly temporary in nature and have come up recently and creating severe traffic problems, will be handled. To this effect, notices under the Rules in force will be issued to the Management/Care Taker of such religious structure – to remove / relocate / regularize the same on case to case basis.

7. The other religious structures which are mostly permanent in nature and are existing since long time will be taken up in phased manner by involving the Police/Revenue Officials/Managements of the religious structures and Local People. It is also proposed to create awareness among the Residents Organizations regarding the responsibility in removing the encroachments on the road margins and not to allow any further encroachments.

8. After completion of detailed survey of the existing unauthorized religious structures, they shall be segregated into 3 categories and for removal/relocation/regularization of unauthorized religious structures, the procedure to be followed, category wise is as shown below:-

Category-I: The unauthorized religious structures which are mostly temporary in nature, come up recently easy to be removed without law and order problem will be handled in Phase I.

Category-II: The unauthorized religious structures which are semi-pucca in nature which can be removed by convincing the Management and local people, will be handled in Phase II.

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Category-III: The unauthorized religious structures come up long back which are mostly of permanent structures / very old, existing since a long time and involves a lot of sentiments can be removed only after detailed deliberations.

9. Government also direct that all the Collectors and District Magistrates that whenever new lay outs are approved, provisions shall be made for such structures to come up only in the lands earmarked for public purposes and only with the proper permission in writing and a Committee under the chairmanship of the Joint Collector /Addl. District Magistrate of the District with the District Panchayat Officer, concerned Police Officials and the Municipal Commissioners in the District as Members will be constituted. They shall review once in a quarter for implementation of the policy for removal / relocation / regularization of unauthorized religious structures as per the reports of detailed survey on case to case basis and also to prevent any such structures coming up in public places.

10. Government further direct that the temporary existing unauthorized constructions of religious nature shall be removed / relocated within 6 months on case to case basis through the District Level Committees under the Chairmanship of Joint Collector of the respective districts, being constituted separately.

11. To remove/ relocate / regularize the semi pucca & pucca existing unauthorized constructions of religious nature, the District Level Committee shall review on case to case basis and this process will be completed at the earliest..

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**RAJESHWAR TIWARI,  
SECRETARY TO GOVERNMENT.**

To

The Spl.C.S. & CCLA, Hyderabad.

Revenue (Endowments) Department.

Irrigation & ICAD Department

Minorities Welfare Department.

TR & B Department.

Municipal Administration & Urban Development Department.

Panchayati Raj and Rural Development Department

All the District Collectors in the State

The Advocate-on-Record,

Supreme Court of India, AP Bhavan,

New Delhi. (with a request appraise the same to the Hon'ble Court.)

Copy to :

PS to Chief Secretary to Govt.

PS to Prl.Secy. to C.M.

PS to Minister for Revenue

PS to Secretary to Govt.RT., Revenue

Addl.Secy.(RR)/ Asst.Secy.(KB) / Asst.SecyV) /

All the Sections in Revenue Department.

**//FORWARDED::BY ORDER//**

**SECTION OFFICER.**